

GAHC010185972019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5867/2019

NAYEBUR RAHMAN
S/O- MD. NAZIR ALI, R/O. VILL- GERGERIA, P.S. PATACHARKUCHI, DIST.
BARPETA (ASSAM).

VERSUS

STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (ELEMENTARY) DEPTT., ,DISPUR, GHY.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GHY.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY-19.

4:THE BODOLAND TERRITORIAL COUNCIL
THROUGH ITS SECRETARY
KOKRAJHAR
ASSAM.

5:THE DIRECTOR OF EDUCATION
THE BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BAKSA

ASSAM

Advocate for the Petitioner : MS. P BHUYAN

Advocate for the Respondent : SC, EDU

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

24.11.2022

Heard Mr. S Dutta, learned counsel for the petitioner and Mr. N J Khataniar, learned Standing counsel, Elementary Education Department, Assam for the respondent Nos. 1 & 3. Also heard Mr. B Gogoi, learned Standing counsel, Finance Department, Assam for the respondent No. 2 as well as Ms. R Bora Boro, learned Standing counsel, BTC for the respondent Nos. 4, 5 & 6.

2. For proper adjudication of the case, the Welfare of Plain Tribes and Backward Classes (WPT&BC) Department, represented by its Commissioner & Secretary, Government of Assam, Dispur, Guwahati be impleaded as party respondent No. 7 in the present proceeding.

3. Registry shall accordingly correct the cause title.

4. Petitioner shall serve a copy of this writ petition including the Annexures appended thereto as well as a copy of the affidavit filed by the Director of Education, BTC, to Mr. R Dhar, learned Standing counsel, WPT&BC Department, Assam by 25.11.2022, obtaining necessary acknowledgment from him in that regard.

5. Registry shall reflect the name of Standing counsel, WPT&BC Department in the cause list under the respondent column against this item.

6. It is to be noted herein that the petitioner was terminated from service in January, 2009 and was reinstated in service by withdrawing his termination order on 12.01.2018, after setting aside his termination by the Court vide order dated 01.12.2018 observing that the petitioner shall be reinstated in service and that he shall

be entitled to all the benefits in terms of the policy decision of the authorities in the BTC.

7. By communication dated 23.11.2022, the Block Elementary Education Officer, Baksa, Mushalpur informed the Director of Education, BTC that the petitioner received his last salary in January, 2009 and he retired from service on 30.06.2018 and since January, 2009 till his date of retirement he was not paid any salary.

8. The authorities in the WPT&BC Department as well as the Finance Department of the State on the next date fixed shall apprise the Court about the status of the proposal/Supplementary Demand that was submitted by the BTC authorities before the WPT&BC Department for necessary sanction pertaining to payment of salary to the petitioner.

9. List after **4 (four) weeks**, on a date to be fixed by the Resgity.

JUDGE

Comparing Assistant